

MINUTES
NEVADA STATE BOARD OF OPTOMETRY
REGULAR MEETING

February 18th, 2005
Airport Plaza Hotel
Aviation Ballroom
1981 Terminal Way
Reno, Nevada

Dr. Alleman asked for public comment. There was no public comment.

A regular meeting of the Nevada Board of Optometry was called to order by Board President, Kurt G. Alleman, O.D., at 9:15 o'clock A.M. on February 18th, 2005, in the Aviation Ballroom of the Airport Plaza Hotel, 1981 Terminal Way, Reno, Nevada.

Identifying themselves as present were:

Kurt G. Alleman, O.D., Board President
Brad C. Stewart, O.D., Board Member
Jack Sutton, O.D., Board Member
George Bean, Board Member
Judi Kennedy, Executive Director
Mark Marsh, Esq.

Also present was:

Daniel T. Rowan, O.D.

The minutes of the Board's December 8th, 2004, meeting were presented for approval. Mr. Bean moved the minutes be approved as drafted. Dr. Sutton seconded the motion. The vote was unanimous.

The Board moved to Agenda Item 3, the Complaint of Gretchin M. Kvaal vs. Daniel T. Rowan, O.D. Noting the presence of Dr. Rowan, Dr. Alleman explained the

Board had requested his attendance to ensure the Board completely understood his pre-operative treatment protocol, which had been questioned by Ms. Kvaal in her complaint. Dr. Alleman continued, stating one of the specific allegations of Ms. Kvaal's complaint was that Dr. Rowan required the insertion of punctal plugs in all pre-operative patients. Dr. Rowan responded that was not true, that he advised all pre-operative patients of the option, but that he did not, as part of his treatment protocol, require the insertion of the plugs. Dr. Sutton advised Dr. Rowan and the Board that he had inquired of a number of practitioners involved in pre-operative, operative, and post-operative care, seeking their input regarding the protocol used by each of them relative to the insertion of punctal plugs. Dr. Sutton continued, outlining the results of the various inquiries. There ensued a discussion between the Board members and Dr. Rowan, during which Dr. Rowan also responded to questions posed by the Board regarding his treatment protocol. At the conclusion of the discussion and questioning, the Board determined Dr. Rowan's treatment protocol was not inappropriate, that the complaint had been addressed, and that Ms. Kvaal had received a refund as she had requested. Dr. Sutton moved the complaint be dismissed based on resolution. Mr. Bean seconded the motion. Dr. Alleman asked for further discussion. There was no further discussion. The vote was unanimous.

The Board next considered Agenda Item 4, the complaint of Judi D. Kennedy, as Executive Director vs. Mark Ohriner, O.D. Dr. Alleman noted the basis of the complaint was that Dr. Ohriner had commenced using a fictitious name without first having obtained the required certificate of registration from the Board. Ms. Kennedy advised an attorney had called the Board office on behalf of Dr. Ohriner, but that no answer had been filed. Dr. Sutton inquired if the required documents had been received. Ms.

Kennedy responded they had not. Dr. Stewart moved the complaint be found to have merit, and that a formal accusation be filed. During further discussion, the Board determined an administrative fine in the amount of \$500 be proposed to dispose of the accusation. Dr. Sutton seconded the motion. The vote was unanimous.

The Board next considered Agenda Item 5. Ms. Kennedy advised the Board she had received a continuing education form from a licensee who had attended the course entitled "HIPAA Security Workshop." Ms. Kennedy continued stating that the form had not been stamped or signed by anyone from the Nevada Optometric Association, which had sponsored the course. Ms. Kennedy stated she had contacted the licensee who had attended the course to inquire why the form had not been signed or stamped. Ms. Kennedy advised the Board she was told by the licensee that there was no representative of the Association present to certify his attendance. The Board directed Ms. Kennedy to contact the Association to determine if it had indeed sponsored the course, and, if so, why no one was present to certify attendance.

The Board, Ms. Kennedy, and Mr. Marsh discussed the issues of interest that were raised during Ms. Kennedy's attendance at the FARB convention. The Board directed Ms. Kennedy to write to all licensees practicing at laser centers, requesting copies of their sublease and co-management agreements. During the discussion, the Board determined it had an obligation to be pro-active in documented situations involving licensees' drug and alcohol abuse.

The Board voted unanimously to enter into a contract for legal services with Mr. Marsh.

Ms. Kennedy advised the Board of the status of the license renewals as of the date of the meeting.

The Board scheduled its next regular meeting for April 8th, 2005. The meeting will be held via telephone conference.

The Board scheduled a regular meeting for June 10th, 2005, in Elko, Nevada.

Dr. Stewart moved the meeting adjourn. Mr. Bean seconded the motion. The vote was unanimous. The meeting adjourned at 10:40 a.m.